			TW
	Application No.	Applicant(s)	
<u> </u>	10/656,083	ZIRPS ET AL.	
Notice of Allowability	Examiner	Art Unit	
	Gary Jackson	3731	
The MAILING DATE of this communication app All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85 NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT R of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in this apply or other appropriate communication (CHTS). This application is subject to	plication. If not includ will be mailed in due	ed course. <b>THIS</b>
1. $\boxtimes$ This communication is responsive to <u>the amendment filed</u>	July 28, 2005.		
2. The allowed claim(s) is/are <u>1-3 and 11-21 (1-3, 7-8, 10, 9, 10, 9</u>	11, 4-6, 12, 13 and 14 respectively).		
<ol> <li>Acknowledgment is made of a claim for foreign priority unally All b) Some* c) None of the:         <ol> <li>Certified copies of the priority documents have</li> <li>Certified copies of the priority documents have</li> <li>Copies of the certified copies of the priority documents have linternational Bureau (PCT Rule 17.2(a)).</li> </ol> </li> </ol>	e been received. e been received in Application No		ation from the
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDON! THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.		complying with the re	quirements
4. A SUBSTITUTE OATH OR DECLARATION must be subminFORMAL PATENT APPLICATION (PTO-152) which give			NOTICE OF
5. CORRECTED DRAWINGS (as "replacement sheets") mu	st be submitted.		
(a)  including changes required by the Notice of Draftsper	son's Patent Drawing Review ( PTO-	948) attached	
1) 🗌 hereto or 2) 📗 to Paper No./Mail Date	-		
(b) ☐ including changes required by the attached Examiner Paper No./Mail Date	's Amendment / Comment or in the C	Office action of	
Identifying indicia such as the application number (see 37 CFR each sheet. Replacement sheet(s) should be labeled as such in	1.84(c)) should be written on the drawithe header according to 37 CFR 1.121(	ngs in the front (not the	e back) of
6. DEPOSIT OF and/or INFORMATION about the deposit attached Examiner's comment regarding REQUIREMENT	osit of BIOLOGICAL MATERIAL i	must be submitted.	Note the
Attachment(s)	e 🗆 North setter - 1 e		0.450)
<ol> <li>Notice of References Cited (PTO-892)</li> <li>Dotice of Draftperson's Patent Drawing Review (PTO-948)</li> </ol>	<ol> <li>5. ☐ Notice of Informal F</li> <li>6. ☐ Interview Summary</li> </ol>	• • • • • • • • • • • • • • • • • • • •	U-152)
Information Disclosure Statements (PTO-1449 or PTO/SB/	Paper No./Mail Da	te	

of Biological Material

3. Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_

4. Examiner's Comment Regarding Requirement for Deposit

9. Other

8. 

Examiner's Statement of Reasons for Allowance

Hay Jack

Application/Control Number: 10/656,083

Art Unit: 3731

## **EXAMINER'S COMMENT**

This action is responsive to applicants' amendment filed July 28, 2005. The arguments filed therein are deemed to be persuasive and therefore the rejection under 35 USC 102(e) set forth in the Office Action mailed January 24, 2005 has been withdrawn.

Claims 1-3 and 11-21 are pending in this application. Claims 4-10 have been cancelled.

## Drawings

The drawings were received on July 2, 2004. These drawings are acceptable.

## **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance: The closest prior art of record fail to teach or suggest each of the limitations recited claim 1, the only independent claim in this application.

US Patent 5,423,834 to Ahmed is substantially close to the claims, however, it fails suggest at least three sleeve members wherein the inner sleeve is mountable over an endoscope and a middle sleeve carrying a ligating band. Ahmed's inner sleeve is adapted to carry the ligating band. (See column 6, lines 11-18 and Figure 6).

US Patent 6,464,685 to Suzuki et al discloses the o-rings (ligating band) on the outer surface of the inner sleeve, (rather than the middle sleeve as recited in claim 1 of the present application); further the outer sleeve is not slidable relative to the middle sleeve.

US Patent 6,464,685 to Mears fail to suggest mounting a ligating band on the middle sleeve and having an outer sleeve slidable relative to the middle sleeve.

US Patent 5,569,268 to Hosoda fail to teach or suggest an outer sleeve movable relative to the middle sleeve and the endoscope E is secured to an endoscope support 2 that is mounted to the outer sleeve. Further, the outer sleeve is not slidable relative to the middle sleeve.

For these reasons, the claims are allowable over the art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Jackson whose telephone number is (571) 272-4697. The examiner can normally be reached on Mon.-Thurs. 7:30 am to 6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan Nguyen can be reached on (571) 272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3731

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gj October 26, 2005 Gary Jackson Primary Examiner

Art Unit 3731